

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OBIOMACHUCKUKA NJOKANMA,

Plaintiff,

vs.

ADVANCE SERVICES, INC. and
KAWASAKI MOTORS
MANUFACTURING CORP. U.S.A.,

Defendants.

4:20-CV-3004

ORDER

This matter is before the Court on its own motion following the plaintiff's failure to comply with the Court's previous order extending the stay of this case "one final time." [Filing 58](#). The long-delayed progression of this case was detailed in that order, and the Court was quite clear that no further extensions would be granted. [Filing 58 at 2](#). And the plaintiff was expressly instructed:

On or before May 19, 2021, the plaintiff shall either appear through new counsel or file a statement advising the Court that she intends to proceed *pro se*. In the absence of an appearance by counsel or such a statement from the plaintiff, this case may be dismissed for failure to prosecute.

[Filing 58 at 2](#). Counsel has not appeared, nor has the plaintiff informed the Court that she intends to proceed without counsel.

This case cannot remain stayed indefinitely, and the plaintiff has neither been able to retain counsel nor indicated her willingness to progress the case without counsel. And an involuntary dismissal for failure to comply with the

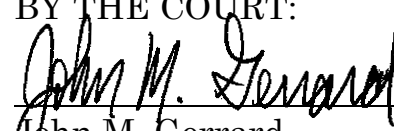
Court's order or failure to prosecute is within the Court's discretion. [Fed. R. Civ. P. 41\(b\)](#); see [Schooley v. Kennedy](#), 712 F.2d 372, 373-74 (8th Cir. 1983). The plaintiff has failed to comply with the Court's previous order and has generally failed to prosecute the case. Accordingly,

IT IS ORDERED:

1. The plaintiff's complaint is dismissed.
2. A separate judgment will be entered.

Dated this 20th day of May, 2021.

BY THE COURT:



John M. Gerrard
Chief United States District Judge